

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

FOUR TIMES SQUARE
NEW YORK 10036-6522

TEL: (212) 735-3000

FAX: (212) 735-2000

www.skadden.com

FIRM/AFFILIATE OFFICES

BOSTON
CHICAGO
HOUSTON
LOS ANGELES
PALO ALTO
WASHINGTON, D.C.
WILMINGTON

BEIJING
BRUSSELS
FRANKFURT
HONG KONG
LONDON
MOSCOW
MUNICH
PARIS
SÃO PAULO
SEOUL
SHANGHAI
SINGAPORE
TOKYO
TORONTO

DIRECT DIAL
212.735.7852
DIRECT FAX
917.777.7852
EMAIL ADDRESS
SCOTT.MUSOFF@SKADDEN.COM

December 18, 2019

Via ECF

Hon. Loretta A. Preska
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

RE: *Petersen Energia Inversora, S.A.U. v. Argentine Republic*, No. 15-cv-02739; *Eton Park Capital Mgmt., L.P. v. Argentine Republic*, No. 16-cv-08569

Dear Judge Preska:

We respectfully write on behalf of the Argentine Republic in response to Plaintiffs' December 17, 2019 letter opposing Defendants' request for an extension of time to file their reply brief in further support of Defendants' motion to dismiss for *forum non conveniens* in light of, among other things, the ongoing government transition in Argentina. (*Petersen* ECF No. 136; *Eton Park* ECF No. 77.)¹

In their letter, Plaintiffs unfairly presume that the Court's prior order postponing the briefing schedule to just after the election already "considered" the time required to transition to a new government. Instead, the Court merely

¹ Plaintiffs incorrectly state that Defendants filed a "motion for reconsideration." (Pl. Letter at 1.) The parties jointly stipulated and the court ordered briefing on "motions to dismiss for *forum non conveniens*." (*Petersen* ECF No. 106; *Eton Park* ECF No. 46; *see also Petersen* ECF No. 119; *Eton Park* ECF No. 60 (Court extending briefing schedules for "Motion to Dismiss for Forum Non Conveniens").)

Hon. Loretta A. Preska
December 18, 2019
Page 2

postponed the briefing schedule, which gave *Plaintiffs* more than three months to respond. Meanwhile, Defendants' previous letters to the Court each specifically reserved the right, after receiving Plaintiffs' opposition, to seek additional time to file a reply. (*Petersen* ECF Nos. 120-21; *Eton Park* ECF Nos. 61-62).

Contrary to Plaintiffs' assertion, a presidential transition presents compelling grounds for a reasonable adjustment of the briefing schedule.² Because a new administration took office in Argentina on December 10, the requested adjournment is necessary for newly appointed personnel responsible for overseeing the litigation to liaise with counsel, make decisions, authorize actions, examine briefs, and develop any necessary declarations with respect to the reply filing. Therefore, substantial additional time is needed for Defendants to prepare their reply.

Plaintiffs' suggestion that no additional time is necessary because the Vice President and Attorney General of Argentina purportedly have knowledge of the facts underlying the dispute is plainly illogical. (Pl. Letter at 1-2.) The new leadership in place at all levels did not instruct current counsel with respect to this litigation, and did not participate in litigation decisions of the prior administration, including, among other changes, new arguments made in support of the *forum non conveniens* dismissal.

In sum, the request for extension to March 16, 2020 is reasonable and justified, in light of the government transition currently ongoing in Argentina, and would allow Defendants to have sufficient time to respond to the Opposition.

Respectfully submitted,

/s/ Scott D. Musoff
Scott D. Musoff

cc: All counsel of record (via ECF)

² Plaintiffs once again rely on an unattributed source in an unsigned newspaper article from *El Cronista* that was published more than a year ago. Plaintiffs misleadingly try to portray the Republic's legitimate request for extension to allow the new administration to have sufficient time to get involved in preparing the reply brief as improper.